

REMARKS

The Office Action of August 8, 2007 has been reviewed and these remarks are responsive thereto. Claims 38, 52, 72, and 74 have been amended and claims 50 and 51 have been amended simply to be presented in independent form. Claims 38-42, 44-61 and 64-75 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Claims Not Addressed in Office Action

The Office fails to address claims 50 and 51 in the current Office Action. Presently, Applicant has amended claims 50 and 51 to present them in independent form. However, the claims are identical in scope to previous dependent claims 50 and 51. Accordingly, Applicant respectfully asserts that, should the Examiner find one or more of the pending claims are not allowable based on these amendments and remarks, any subsequent Office Action must be non-final since any rejection of the subject matter of claims 50 and 51 in a subsequent Office Action would constitute a new ground of rejection on a previously unamended claim.

Rejections Under 35 U.S.C. § 102

Claims 38, 39, 42, 44-48 and 65-75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent No. GB22345069 to Skottowe ("Skottowe"). Applicant respectfully traverses this rejection.

Amended claim 38 recites, among other features, a modular structure comprising a frame formed from a plurality of frame portions and a shell formed from a plurality of abutting armored panels and *each of the abutting armored panels* forming at least a portion of an interior and exterior surface of the modular structure. Claim 38 further recites, among other features, each of the frame portions being secured to at least one of the armored panels to form discrete units, at least some of the units having a curved configuration. Applicant respectfully asserts that Skottowe fails to teach or suggest the features of claim 38.

Skottowe describes a modular structure having a plurality of walls and roof parts connected together by quick release devices, where each wall part comprises four individual wall

plates made up of inner and outer skins *spaced a suitable distance apart*. See Abstract (emphasis added). Skottowe further describes the walls as having *spaced armor* comprising *at least two layers of armor separated by a predetermined space*. See Skottowe at p. 3 (emphasis added). Skottowe clearly fails to teach or suggest a modular structure wherein each of the abutting armored panels forms at least a portion of an interior and exterior surface of the modular structure. Rather, Skottowe clearly describes and shows in Figures 2, 3, 4, and 6, wall structures having a separate interior portion and exterior portion and a spacing region between the two.

Further, Skottowe fails to teach or suggest discrete units having a curved configuration. As shown and described in the figures and specification of Skottowe, the modular structure includes a plurality of flat wall panels connected to each other. The wall panels may be connected at various angles as shown in Figures 1 and 6. However, there is no teaching or suggestion of discrete units having a *curved* configuration. Accordingly, Applicant respectfully asserts that claim 38 is patentably distinct from the cited reference.

Claims 39, 42, 44-48, and 75 depend from claim 38 and are allowable for at least the same reasons as discussed above with respect to claim 38, and further in view of the additional novel features recited therein.

For example, claim 75 recites the modular structure of claim 38, wherein the frame extends around the exterior surface of the modular structure. Skottowe fails to teach or suggest any frame portion, let alone a frame extending around the exterior surface of the modular structure. Rather, Skottowe describes a plurality of wall panels joined together with quick release devices. See Skottowe at p. 4. The modular structure of Skottowe includes connecting means or fixing means that pass through the outer wall, spacer part and inner part to connect the wall panels together. *Id.* There is no teaching or suggestion in Skottowe of a frame that extends around the surface of the modular structure. Accordingly, Applicant respectfully asserts that claim 75 is allowable.

Claim 72 recites, among other features, a modular structure, comprising a base, at least three armored sides, connected to the base and substantially perpendicular to the base, wherein each of the at least three armored sides form at least a portion of both the interior surface and

exterior surface of the modular structure having no void between the interior surface and exterior surface. Applicant respectfully asserts that Skottowe fails to teach or suggest the features of claim 72.

As discussed above, Skottowe fails to teach or suggest armored sides forming at least a portion of *both* an interior surface *and* an exterior surface of the modular structure having *no void* between the interior surface and exterior surface, as recited in claim 72. That is, the structure of Skottowe includes walls having *spaced armor comprising at least two layers of armor separated by a predetermined space*. See Skottowe at p. 3 (emphasis added). Further, Skottowe fails to teach or suggest a modular structure with a base and at least three sides. Rather, Skottowe describes a plurality of modular wall panels that can be connected to form a structure. See Abstract. The wall panels include an interior surface and exterior surface. *Id.* There is no teaching or suggestion in Skottowe of a structure with at least three sides.

Further still, claim 72 recites, among other features, at least a portion of the modular structure includes a curved configuration. As discussed above with respect to claim 38, Skottowe fails to teach or suggest a modular structure having any type of curved configuration. Accordingly, Applicant respectfully asserts that claim 72 is allowable over Skottowe.

Claim 73 depends from claim 72 and is allowable for at least the same reasons as discussed above with respect to claim 72 and further in view of the additional novel features recited therein. Applicant respectfully requests withdrawal of this rejection.

Amended claim 74 recites, among other features, a modular structure, comprising a first frame formed from a plurality of frame portions, a first shell formed from a plurality of armored panels the first frame and first shell forming a first modular section having a bottom surface, a top surface and at least three sides and forming a first elongate structure, wherein each of the armored panels forming the first shell forms at least a portion of the interior surface and exterior surface of the first modular section having no void between the interior surface and exterior surface, first coupling means arranged on the first modular section and configured for joining the first modular section with at least one other modular section, a second frame formed from a plurality of frame portions, a second shell formed from a plurality of armored panels, the second

frame and second shell forming a second modular section having a bottom surface, a top surface and at least three sides and forming a second elongate structure, wherein each of the armored panels forming the second shell forms at least a portion of the interior surface and the exterior surface of the second modular section having no void between the interior surface and exterior surface. Applicant respectfully asserts that Skottowe fails to teach or suggest the features of claim 74.

As discussed above, Skottowe fails to teach or suggest a modular structure with armored panels forming at least a portion of the interior *and* the exterior surface of a first modular section having no void between the interior surface and exterior surface. It is clearly shown and described in Skottowe that the wall portions include two panels having a gap or space between the panels. Further, Skottowe fails to teach or suggest a modular structure having a first and second modular section, each of the sections having a bottom surface, a top surface and at least three sides. Rather, Skottowe describes a plurality of modular structures that can be joined together to form a structure. *See* Abstract. Skottowe describes wall panels of the structure that are able to be joined. *See* Skottowe at p. 4. The wall panels include a separate interior surface and an exterior surface. *Id.* Skottowe fails to teach or suggest modular sections that include a bottom surface, top surface, and at least three sides. The modular wall structures of Skottowe clearly do not constitute the modular sections recited in claim 74. Accordingly, Applicant respectfully asserts that claim 74 is allowable.

Claims 65-71 depend from claim 74 and are allowable for at least the same reasons as discussed above with respect to claim 74 and further in view of the additional novel features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 52, 53 and 56-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Skottowe in view of U.S. Patent No. 6,742,309 to Stewart, et al. ("Stewart"). Applicant respectfully traverses these rejections.

Amended claim 52 recites, among other features, a modular structure, comprising

a frame formed from a plurality of tubular frame portions and a shell formed from a plurality of abutting armored panels, wherein the frame and shell form an elongate shape with a first end area and an opposite second end area, wherein *each of the abutting armored panels forms at least a portion of an interior surface of the modular structure and an exterior surface of the modular structure having no void between the interior surface and exterior surface*. Applicant respectfully asserts that neither Skottowe nor Stewart, alone or in combination, teaches or suggests the features of claim 52.

As discussed above, Skottowe fails to teach or suggest a modular structure having armored panels forming at least a portion of an interior surface of the modular structure *and* an exterior surface of the modular structure having no void between the interior surface and exterior surface. The addition of Stewart fails to cure the deficiencies of Skottowe with respect to claim 52.

Stewart describes a personnel decontamination and containment system having a plurality of components positionable for establishment of a decontamination facility. *See* Abstract. The plurality of components may include a plurality of collapsible frame and roof assemblies. *Id.* However, Stewart fails to teach or suggest armored panels forming at least a portion of an interior surface of the modular structure *and* an exterior surface of the modular structure, as recited in claim 52. Accordingly, Applicant respectfully asserts that claim 52 is allowable over the cited combination of references.

Claims 53 and 56-61 depend from claim 52 and are allowable for at least the same reasons as discussed above with respect to claim 52 and further in view of the additional novel features recited therein. Applicant respectfully requests withdrawal of these rejections.

Claims 38, 40, 41, 49, 52, 54, 55, 64, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,351,558 to Mueller (“Mueller”) in view of U.S. Patent No. 7,210,707 to Schroth (“Schroth”) and U.S. Patent No. 5,971,177 to Carter (“Carter”). Applicant respectfully traverses these rejections.

As discussed above, independent claims 38, 52 and 74 recite a modular structure having armored panels forming at least a portion of an interior surface and an exterior surface of the structure. None of Mueller, Schroth, or Carter teaches or suggests this feature.

Mueller describes an armored truck having a truck body with interior walls which are aligned and secured in a parallel relation with complementary armor plates. *See Abstract*. The panels of Mueller include two layers, a wall and an armored plate attached to the wall. Accordingly, Mueller fails to teach or suggest armored panels forming at least a portion of an interior surface and an exterior surface of the modular structure. The addition of Schroth and Carter fails to cure the deficiencies of Mueller with respect to these claims.

Schroth describes a belt assembly for securing the sitting and standing positions of an occupant of a vehicle. Carter describes a portable truck crane for lifting objects. None of Mueller, Schroth, nor Carter, alone or in combination, teaches or suggests a structure with armored panels forming at least a portion of an interior surface and an exterior surface of the structure. Accordingly, Applicant respectfully asserts that claims 38, 52, and 74, as well as claims 40, 41, 49, 54, 55, and 64 that depend therefrom are allowable over the cited combination of references.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: November 1, 2007

By: /Elizabeth A. Almeter/
Elizabeth A. Almeter
Registration No. 57,019

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001
EAA:jab